

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Art Unit: 2131

Geoffrey B. Rhoads

Conf. No.: 1809

Application No.: 10/658,808

Filed: September 8, 2003

**Via Electronic Filing**

For: Method for Increasing the Functionality of  
a Media Player/Recorder Device or an  
Application Program

Examiner: S. Chen

Date: July 19, 2010

**Response to Notification**  
**of Non-Compliant Appeal Brief (37 CFR 41.37)**

Mail Stop Appeal Brief – Patents  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This paper is responsive to the June 29, 2010 Notification of Non-Compliant Appeal Brief (37 CFR 41.37). The Notification requested a mapping of claim 39 to the specification by page and line number.

\*In the Appeal Brief, please supplement the “Summary of Claimed Subject Matter” with the following:

### **SUMMARY OF CLAIMED SUBJECT MATTER**

Claim 39 recites a method for utilizing a title signal contained in a computer readable set of instructions through a comparison of the title signal to a player signal stored in, or available from, a personal computing device [see, e.g., U.S. Patent No. 5,862,260 at Col. 27, lines 26-52; Col. 94, lines 28-38; and Col. 41, lines 54 - Col. 42, line 27]. The method includes: providing the computer readable set of instructions having the title signal, in which the computer readable set of instructions represents an application program executable by the personal computing device [see, e.g., U.S. Patent No. 5,862,260 at Col. 41, lines 54-Col. 42, line 27; Col. 27, lines 25-52; Col. 92, lines 4 – 20, Col. 94, lines 28-47]; detecting the title signal in the computer readable set of instructions, in which the personal computing device comprises a software operating system for launching the application program, and wherein the act of detecting is performed by the software operating system operating on a multi-purpose electronic processor [see, e.g., U.S. Patent No. 5,862,260 at Col. 41, lines 54 - Col. 42, line 27, and Col. 94, lines 28-38; see also Col. 15, lines 45-54]; comparing the title signal to the player signal; and performing an action based upon the comparison [see, e.g., U.S. Patent No. 5,862,260 at Col. 94, lines 28-38, Col. 27, lines 26-52, and Col. 41, lines 54-Col. 42, line 27]. The 5,862,260 patent is incorporated by reference into the present application. See the subject specification at page 1, line 2 and page 7, lines 20-22.

**CONCLUSION AND REQUEST FOR REVERSAL**

Appellants respectfully request the Board to reverse the final rejection of the pending claims.

Date: July 19, 2010

Customer No. 23735

Telephone: 503-469-4685

FAX: 503-469-4777

Respectfully submitted,

DIGIMARC CORPORATION

By: /Steven W. Stewart, Reg. No. 45,133/

Steven W. Stewart

Registration No. 45,133